

REMARKS

The application and the material cited to date have been carefully reviewed along with Examiner's remarks in the Office action. After this review, Applicant is convinced that his claimed composition and articles are novel and patentable. Applicant strongly believes that his application embodies a significant discovery, that the claims define the invention in a clear and definite manner, and that all of the amended claims are allowable.

Claims 1-22 are pending in the case. Claims 1-4 and 7 are non-elected inventions and withdrawn from consideration. Claims 5, 6, 8, 11, 12, 13 are amended, claims 9,10, 14-22 were previously amended or previously added, all being pending.

Claims 5, 6 and 8-22 are rejected under 35 USC §102 (b) as anticipated by Anderson US Patent No. 5,459,193 ('193).

Rejection of claims 5, 6 and 8-22 under §102(b) should be withdrawn in view of the fact that Anderson does not teach Applicant's claimed invention, Anderson does not teach or recite each and every element of Applicant's claimed invention. The alleged Anderson reference does not meet any the recitations of Applicant's claims.

The rejection should be withdrawn since the '193 does not teach a S-E-EP-S gel or other polymer gels and it does not teach applicant's S-E-EP-S GnMn and higher combinations of GnMn+ gel composites. Applicant's claims are not directed to SEBS gel. Therefore, the '193 patent does not anticipate the instant claims.

For example, Anderson does not disclose Applicant's composite poly(styrene-ethylene-ethylene-butylene-styrene), poly(styrene-ethylene-ethylene-propylene-styrene), poly(styrene-ethylene-ethylene-butylene₂₅-styrene), poly(styrene-ethylene-propylene-ethylene-styrene), poly(styrene-ethylene-ethylene-butylene)_n, poly(styrene-ethylene-

ethylene-propylene)_n, poly(styrene-ethylene-ethylene-butylene₂₅)_n, poly(styrene-ethylene-propylene-ethylene)_n gels of claims 5 or 6.

For example, Anderson does not disclose Applicant's gel hand exercising grip, a gel shape floss suitable for use as a dental floss, a gel crutch cushion, a gel cervical pillow, a gel bed wedge pillow, a gel leg rest, a gel neck cushion, a gel mattress, a gel bed pad, a gel elbow pad, a gel dermal pad, a gel wheelchair cushion, a gel helmet liner, a gel cold and hot pack, a gel exercise weight belt, a gel traction pad or belt, a gel cushion for splints, a gel sling, a gel brace for the hand, wrist, finger, forearm, knee, leg, clavicle, shoulder, foot, ankle, neck, back, rib, a gel sole for orthopedic shoe, a gel shaped toy article, a gel optical cladding for cushioning optical fibers from bending stresses, a gel swab tip, a gel fishing bate, a gel seal against pressure, a gel thread, a gel strip, a gel yarn, a gel tape, a weaved gel cloth, a gel fabrics, a gel balloon for valvuloplasty of the mitral valve, a gel trointestinal balloon dilator, a gel esophageal balloon dilator, a gel dilating balloon catheter use in coronary angiogram, a gel condom, a gel toy balloon, a gel surgical and examination glove, a self sealing enclosures for splicing electrical and telephone cables and wires, a gel film, or a gel liner articles of claims 7 or 8.

For example, Anderson does not disclose Applicant's gel liner of poly(styrene-ethylene-ethylene-propylene-styrene), poly(styrene-ethylene-ethylene-propylene)_n, poly(styrene-ethylene-ethylene-butylene-styrene), or poly(styrene-ethylene-ethylene-butylene)_n gel of claim 9 or 10.

For example, Anderson does not disclose composite gels of claim 11 made from high viscosity copolymer having a viscosity value at 5 weight percent solution in toluene at 30°C of about 90 cps and higher which corresponds to a viscosity at 10 weight percent of about 5800 cps and higher which corresponds to a viscosity at 20 weight percent solids solution in toluene at 25°C of at about 80,000 cps which gels are characterized by knotty tears having greater tear resistance then SEBS gels.

For example, Anderson does not disclose poly(styrene-ethylene-ethylene-propylene-

styrene) gel composites of claims 12-22.

For example, Anderson does not disclose non-adhering, non-sticking modifier comprising gel composites of claims 14-17 and 19.

The block copolymer of Applicant's claimed invention are not the same as SEBS block copolymer of Anderson. No where does Anderson recite, SEEPS, S(EEP)_n, SEEBS, S(EEB)_n, SE(EB)₂₅S, SEPES, SE(EB)_n, SEE(B)₂₅ for example.

The claims recite superior gel properties of the claimed block copolymer gels as opposed to SEBS, and opposed to Anderson.

Moreover, the Official assertions that hot melt adhesive is synonymous with adherent gel is incorrect. The Official assertions that tackifying resin is synonymous with adhesion resin is also incorrect. There being a high degree of uncertainty as to which resin is or is not a tackifying resin for any particular polymer type, depending on end block and depending on midblock type as well as their ratios. There is no certainty in the art. Those skill in the art have so acknowledged (see attached US Patent No. 4942270, col. 1, lines 34-37; US Patent No. 5618882, col. 1, lines 27-31; US Patent No. 5994450, col. 4, lines 29 through col. 7, lines 1-41; and US Patent 5633286). It is known to those skilled in the art that the degree of uncertainty can be extremely high.

This point is taught by Anderson at col. 4, line 7 where tackifying resin can be zero. The art skilled Anderson states at col. 1, lines 43-45 that no one has use (SEBS Kraton 1651) in hot melt adhesives. This is contrary to the statement in patent '450 which states John Chen patent 4369284 contains examples of SEBS Kraton 1651 gels. Moreover, Applicant's patent No. 5633286 filed 8/11/94 of which the present application is a CIP, is itself a CIP of 5336708 filed 8/24/92 and 5475890 filed 8/30/93 which both are prior to Anderson. Applicant CIPs all disclose SEBS Kraton 1651. US Patent 5475890 at col. 9, lines 43-58 recites resins. It

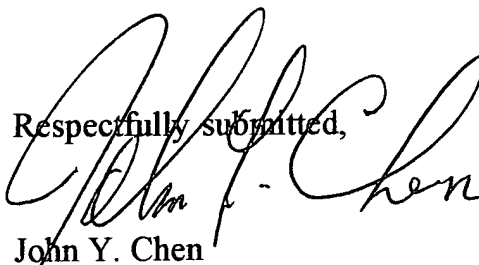
is apparent, Anderson '193 discloses SEBS, oil and optionally resins which disclosure in its totality was first taught by Applicant prior to 10/12/93. This is a matter of record see related applications of the instant application and that of 5633284.

The reason Applicant does not wish to relate back beyond the earliest effective date of the recited related applications is because unlike SEBS, oil and resins which has support earlier than 8/30/03, the present claimed invention unlike SEBS does not. Doing so would be premature for the life of the new invention.

In view of the above amendments and remarks, Applicant request that the rejection of the instant claims be withdrawn.

Should Examiner have any questions regarding this response, Applicant can be reached at (650) 827-1388.

Respectfully submitted,



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